RESPONSE UNDER 37 C.F.R. §1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3767

S/N 10/657,472 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	EIDENSCHINK	Examiner:	K. SIRMONS
Serial No.:	10/657,472	Group Art Unit:	3767
Filed:	SEPTEMBER 8, 2003	Docket No.:	15305.17USI1
Title:	ROTATING BALLOON EXPANDABLE SHEATH BIFURCATION DELIVERY		

RESPONSE UNDER 37 C.F.R. § 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

23552
PATENT TRADEMARK OFFICE

Dear Sir:

This is in response to the Final Office Action mailed on April 3, 2006, in which claims 9, 10, 13 and 14 were allowed, claim 8 was indicated as including allowable subject matter, and claims 2, 3, 6, 7 and 11 were rejected. Claims 2, 3, 6-11, 13 and 14 are pending in the application. Applicant respectfully requests reconsideration of the application in view of the following remarks.

Interview Summary

A telephone interview was conducted between Examiner Kevin Sirmons and Applicants' attorney Joshua Randall (Reg. No. 50,719) on June 21, 2006. The parties discussed claim 2 in view of the Adams and Igaki references. No agreement was reached as to the allowability of the claims. The Examiner clarified that the present Office Action is "final" despite the incorrect marking of that status on the Office Action Summary.

§103 Rejections:

Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams (US 6,099,497) in view of Igaki (US 5,817,100). Applicants respectfully traverse this rejection.

Adams discloses with reference to Figure 14D a device 120 that includes a lumen 134, a balloon 124, a secondary lumen 136 and a stent 156. The stent 156 is positioned on the balloon 124 at a position where a proximal end of the stent 156 is positioned distally of a distal end of the secondary lumen 136. As a result, the guidewire 60 exits out the distal end of secondary lumen 136 at a location proximal of the stent 156. No part or portion of the stent 156 is oriented or otherwise disposed about, surrounds or is in close proximity to the secondary lumen 136.

Igaki discloses a stent device that includes a tubular cartridge 1 and a stent 2 fitted on the outer peripheral surface of the cartridge 1. The stent 2 is fixed to the cartridge 1 by, for example, folding back of both ends of the tubular cartridge over ends of the stent 2 (see Figures 4 and 5 of Igaki) or using sleeves 7 fit over ends of the stent 2 (see Figure 7 of Igaki). The stent device disclosed by Igaki is intended to be loaded onto a balloon catheter.

Igaki fails to remedy the deficiencies of Adams discussed above. If the Igaki device were used to replace the stent 156 in Adams, the stent 2 of Igaki would fail to meet the limitation "the stent is disposed about at least a portion of the rotatable sheath and at least a portion of the secondary guidewire housing," as required by claim 2 because there is no teaching or suggestion by either reference of disposing a stent about a sheath and a secondary guidewire lumen. Further, Adams and Igaki, alone or in combination, fail to disclose or suggest "at least a first distal portion of the guidewire housing being engaged to at least a first proximal portion of the rotatable sheath," as required by claim 2. If the stent device of Igaki were to replace the stent 156 of Adams, the secondary lumen 136 of Adams would not be engaged with a proximal portion of the tubular cartridge 1 or any other feature of the stent device disclosed by Igaki because the secondary lumen 136 of Adams would still be spaced proximally of the sleeve and stent of Igaki.

Further to the above, neither Adams nor Igaki disclose or suggest "a distal end portion of the secondary guidewire housing exiting the flow path of the stent through one of the plurality of

cell openings" of the stent, as required by claim 2. Figure 14D of Adams illustrates the secondary lumen 136 positioned in parallel with the balloon 124 in contact with the balloon 124 up to where the guidewire 60 exits the distal end of lumen 136. Even if the stent 156 were to be retracted proximally over the secondary lumen 136, Adams fails to disclose or suggest the secondary housing 136 "exiting the flow path of the stent through one of the plurality of cell openings" of the stent 156. Igaki fails to remedy the deficiencies of Adams on this point. Therefore, Adams and Igaki fail to disclose or suggest every limitation of claim 2 and the claims that depend from it.

Claims 6, 7 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Igaki and further in view of Dayton (US 5,449,382). As discussed above, Adams and Igaki fail to disclose or suggest every limitation of claim 2. Dayton fails to remedy the deficiencies of Adams and Igaki as they relate to claim 2. Therefore, claims 6, 7 and 11 are allowable for at least the reason they are dependent upon an allowable base claim. Applicants do not otherwise concede the correctness of this rejection.

Allowed Claims:

Applicants kindly thank the Examiner for the allowance of claims 9, 10, 13 and 14, and the indication of allowable subject matter in claim 8.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any further issues related to this matter, please contact Applicants' attorney at the phone number listed below.

Respectfully submitted,

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Date: June 27, 2006

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JNR:njo:ae